



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**JUN 17 2003**

James Bopp, Jr., Esq.  
Bopp, Coleson & Bostrom  
1 South 6<sup>th</sup> Street  
Terre Haute, Indiana 47807-3510

RE: MUR 4953  
Mr. Ed Buckham

Dear Mr. Bopp:

On December 15, 1999, the Federal Election Commission notified your client, Mr. Ed Buckham, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On June 10, 2003, the Commission found, on the basis of the information in the complaint, and information provided by your client, that there is no reason to believe that Mr. Buckham violated the Act. Accordingly, the Commission closed its file in this matter as it pertains to Mr. Buckham. The Commission will notify you when the entire file has been closed, at which time you will be sent a copy of the dispositive General Counsel's Report.


Although the Commission found no reason to believe that Mr. Buckham violated the Act, Mr. Buckham is considered a witness in this matter. In order to carry out its statutory duty of enforcing the Act, the Commission has issued the attached Subpoena to Produce Documents and Order to Submit Written Answers to Mr. Buckham. The Subpoena and Order require your client to provide certain information in connection with an investigation it is conducting. Mr. Buckham is required to submit the information within 30 days of receiving this Subpoena and Order. All answers to questions must be submitted under oath.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

If you have any questions, please contact Marianne Abely, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Lawrence H. Norton  
General Counsel

By:   
Rhonda J. Vordingh  
Associate General Counsel  
for Enforcement

1                                   **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3   In the Matter of

)

4                                    )       MUR 4953

5                                    )

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7                                   **SUBPOENA TO PRODUCE DOCUMENTS**  
8                                   **ORDER TO SUBMIT WRITTEN ANSWERS**  
9

10   TO:   Edwin A. Buckham  
11           c/o James Bopp, Jr., Esq.  
12           Bopp, Coleson & Bostrom  
13           1 South 6<sup>th</sup> Street  
14           Terre Haute, IN 47807-3510


15  
16           Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the  
17   above-captioned matter, the Federal Election Commission hereby orders you to submit written  
18   answers to the questions attached to this Order and subpoenas you to produce the documents  
19   requested on the attachment to this Subpoena. Legible copies which, where applicable, show  
20   both sides of the documents may be substituted for originals.

21           Such answers must be submitted under oath and must be forwarded to the Office of the  
22   General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463,  
23   along with the requested documents within 30 days of receipt of this Order and Subpoena.

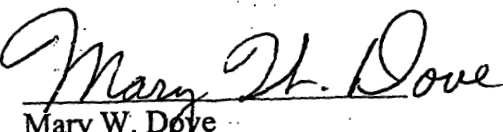
24

1 WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand  
2 in Washington, D.C. on this *16th* day of *June*, 2003.

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5 For the Commission,  
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9

  
10 Bradley A. Smith  
11 Vice Chairman  
12

13 ATTEST:  
14

15  
16   
17 Mary W. Dove  
18 Secretary to the Commission  
19  
20

21 Attachments  
22 Instructions and Definitions  
23 Questions and Document Requests  
24

**INSTRUCTIONS**

In answering this Subpoena to Produce Documents and Order to Submit Written Answers, furnish all documents and other information, however obtained, including hearsay, that is in your possession, custody or control.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary, or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1999 through January 1, 2000.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

**DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named person to whom these discovery requests are addressed, including all employees, whether paid or unpaid; agents; co-workers; volunteers; subordinates; staff; or attorneys thereof. References to persons "working for or voluntarily assisting you" refer to any person performing any services on your behalf or at your direction, whether paid or

1 unpaid, including, but not limited to any persons employed by you under a personal services  
2 contract.

3  
4 The "U.S. Family Network" ("USFN") shall mean any entity trading as or registered  
5 under the names of the "U.S. Family Network" or the "USA Family Network," or any entity that  
6 is an affiliate of, subsidiary of, or similarly related to the "U.S. Family Network" or the "USA  
7 Family Network," its officers and staff, whether paid or unpaid; board members; agents;  
8 representatives; volunteers; and attorneys thereof.

9  
10 The "National Republican Congressional Committee" ("NRCC") shall mean the political  
11 committee of that name, including, its officers and staff, whether paid or unpaid; board members;  
12 agents; representatives; volunteers; and attorneys thereof.

13  
14 "Americans for Economic Growth" ("AEG") shall mean the organization of that name,  
15 including, all officers; board members; staff, whether paid or unpaid; agents; volunteers and  
16 attorneys thereof.

17  
18 "Persons" shall be deemed to include both singular and plural, and shall mean any natural  
19 person, partnership, committee, association, corporation, or any other type of organization or  
20 entity.

21  
22 "Document" shall mean the original and all non-identical copies, including drafts, of all  
23 papers and records of every type in your possession, custody or control, or known by you to exist.  
24 The term document includes, but is not limited to books, letters, e-mails, contracts, notes, diaries,  
25 log sheets, records of telephone communications, transcripts, vouchers, accounting statements,  
26 ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets,  
27 circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video  
28 recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all  
29 other writings and other data compilations from which information can be obtained. The term  
30 documents also includes electronic copies and all temporary and permanent storage devices  
31 under your control, including but not limited to, hard drives, servers, cd roms, discs, jazz discs,  
32 zip discs, tape storage and tape back-up systems, cd and optical back-up systems, electronic logs,  
33 e-mail and e-mail back-up systems. If a document is maintained on or in a magnetic or electronic  
34 medium (for example, but not limited to, computer tape, diskette, or CD-ROM), provide both  
35 "hard" (i.e., paper) and "soft" (i.e., in the magnetic or electronic medium) copies, including  
36 drafts, and identify the name (e.g., WordPerfect, Microsoft Word for Windows, Pro Write, etc.)  
37 and version numbers by which the documents will be most easily retrieved.

38  
39 "Identify" with respect to a document shall mean state the nature or type of document  
40 (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document  
41 was prepared, the title of the document, the general subject matter of the document, the location  
42 of the document, the number of pages comprising the document, the author of the document, and  
43 all recipients of the document (including all persons, other than the primary recipient of the  
44 document, who received copies).

1  
2 "Identify" with respect to a person shall mean state the full name, the most recent  
3 business and residential addresses, the present occupation or position of such person, and the  
4 nature of the connection or association that person has to any party in this proceeding. "Identify"  
5 shall further encompass stating the person's telephone carrier(s) (both land-line and cellular)  
6 during the relevant time period, as well as, stating that person's fax number and telephone  
7 number(s) with extension(s).

8  
9 If the person to be identified is not a natural person, provide the legal and trade names,  
10 the address and telephone number, and the full names of both the chief executive officer and the  
11 agent designated to receive service of process for such person.

12  
13 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to  
14 bring within the scope of these interrogatories and request for the production of documents any  
15 documents and materials which may otherwise be construed to be out of their scope.  
16

**QUESTIONS AND DOCUMENT REQUESTS**

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- 3
- 4 1. State your current residential and work address.
- 5
- 6 2. State where you were employed during the relevant time period and state the
- 7 address or addresses for all offices out of which you did business:
- 8
- 9 a. If you owned a business, state the name and address of that business, state the
- 10 services provided and activities engaged in by that business, state whether the business was
- 11 incorporated, the dates of its incorporation and whether its incorporation is presently valid;
- 12
- 13 b. For the relevant time period, identify all residential and business telephone
- 14 carriers and provide all residential, office, facsimile and cellular telephone numbers.
- 15
- 16 3. State whether you were retained to provide any services to the USFN during the
- 17 relevant time period. If the answer is in the affirmative:
- 18
- 19 a. State in what capacity and during what time frame you were retained to provide
- 20 services to the USFN, and;
- 21
- 22 b. Provide copies of any and all employment/service contracts and agreements.
- 23
- 24 4. Produce any and all documents that reflect, refer to or relate to:
- 25
- 26 a. The transfer or donation by the NRCC of non-federal funds to the USFN on or
- 27 about October 1999, including but not limited to, any and all documents that reflect, refer to or
- 28 relate to any solicitation(s) or request(s) made by the USFN for the transfer or donation,
- 29 consideration by the NRCC to approve or reject the solicitation(s) or request(s), the transfer or
- 30 donation of the non-federal funds, and information regarding the intended or possible use(s) of
- 31 the non-federal funds, or any portion thereof, including but not limited to whether some of the
- 32 funds would be transferred to AEG or another organization for the purpose of running
- 33 advertisements or other communications to the general public;
- 34
- 35 b. Advertisements or other public communications to the general public to be
- 36 sponsored by AEG starting in the fall of 1999 concerning or referring to the issue of Social
- 37 Security or the Social Security Trust Fund including but not limited to the advertisements and
- 38 public communications themselves, or drafts thereof, and;
- 39
- 40 c. Communications between, among or involving the NRCC, the USFN and AEG
- 41 concerning: the advertisements or other public communications sponsored by the NRCC and
- 42 AEG referenced in Questions 4b. above; the USFN's solicitation(s) or request(s) for funds; the
- 43 NRCC's consideration of whether to approve or reject the transfer or donation of the non-federal
- 44 funds; and the intended use(s) of the all or a portion of the non-federal funds, including but not



1 limited to transferring them to AEG or another organization for the purpose of running  
2 advertisements or other communications to the general public, as referenced in Question 4b  
3 above.  
4

5 5. Produce all calendars that reflect, refer to, or relate to your business activities  
6 during the relevant time period as they concern the NRCC, the USFN, the receipt of funds from  
7 the NRCC and the transfer of funds to AEG.  
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